

# VAIL HOMEOWNERS ASSOCIATION, INC.

## *2009 Compliance Report for*

### **RESOLUTION NO. 14, 2008**

#### **A RESOLUTION ADOPTING A MISSION STATEMENT, 2009 GOALS, OPERATIONAL FUNCTIONS AND EXECUTIVE DIRECTOR COMPLIANCE INVENTORY FOR THE ASSOCIATION.**

WHEREAS: The Board of Directors desires to adopt a mission statement, 2009 goals and membership area to guide its policies and activities with respect to broad areas of concern.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE VAIL HOMEOWNERS ASSOCIATION:

1. Approves as its mission statement:
  - A. The mission of the Vail Homeowners Association is to represent the interests of residential property owners. We will strive for policies and outcomes that further Vail as a premier destination resort and as a community. We will work with all the constituencies in the community to improve communication, safeguard the environment, maintain and improve the quality of life in Vail.
2. Approves 2009 Goals as follows:
  - A. Encourage responsible planning, development and public improvements to improve Vail as a progressive destination mountain resort and as a community.
  - B. Protect property owners' investment in their residences, the natural environment, open space, neighborhoods, the quality of life experiences, the economy and public improvements against deterioration.
  - C. Use knowledge and analysis to represent a balanced view and thoughtfully represent non-resident homeowners who do not have a vote in Vail.
  - D. Seek opportunities to increase participation in the governance of the community and to increase the number of residential owners who vote in local elections.
  - E. Pursue fair and consistent treatment for all residential property owners in the public affairs of the community through good governance, accountability and community vision.
3. Approves 2009 Operational Functions as follows:
  - A. Selective Oversight.
  - B. Constructive Advocacy.
  - C. Inclusive Collaboration.
  - D. Communications.

4. Approves 2009 Membership Area as follows:

- A. The invitation of membership to residential property owners in the Town of Vail and adjacent developed areas from Vail Pass, on the East, Dowd Junction, on the West and the United States Forest Service boundaries on the North and South.

5. Approves Compliance Inventory as follows:

**I. CURRENT PROJECTS AND ISSUES - OPERATIONAL FUNCTIONS:**

**A. SELECTIVE OVERSIGHT** – Projects are selected relevant to the Association’s goals and objectives.

**1. Zoning**

a. PEC/TC Development Reviews

- i. Lionshead Parking Structure Redevelopment – *Developer was unable to comply with development agreement due to changes in market conditions and failure to gain approval by VRI to remove deed restrictions. Developer sought a first right of refusal to continue pursuing the proposal should VRI remove deed restrictions but was rejected by the Vail Town Council.*
- ii. Ever Vail – *VRI withdrew application, made modification and resubmitted to the Town of Vail. VRI is in the final stages of discussion with CDOT to gain approval for straightening the South Frontage Road. The Town of Vail review process is underway and expected to take six months. There are several issues remaining to be resolved through the review and approval process.*
- iii. Rams Horn Lodge – *Redevelopment is underway.*
- iv. Gorsuch Redevelopment – *No application is pending before the Town of Vail*
- v. Apollo Park Phase II/Wren Redevelopment – *Developer of Apollo Park Phase II has informed the Association of certain public improvements that may be made as public benefit in qualification for a SDD application.*
- vi. Lodge at Vail Redevelopment – *The condominium association has set aside, for the time being, a major redevelopment proposal for the property.*

b. *DRB Notification and Approval Procedure: The Association raised concerns that the Town’s DRB notification procedure was inadequate and should be reformed so that property owners are given notice of new development that is occurring in their immediate neighborhood.*

- i. *Dobson Arena Roof Replacement – Affected property owners and the Association complained to the Town Council that a new white metal roof approved by the DRB was inappropriate and that adequate notice was not given.*
- ii. *Check Point Charlie Redevelopment – Affected property owners, subsequent to a complaint by the Association and affected property owners, were given notice of a proposed redevelopment of the Check Point Charlie area, which resulted in some modifications to the proposal.*

**2. Neighborhood Master Planning**

- a. Community Town Center – West Vail
  - i. Chamonix East Site – *The Town Council selected a desired development format but economic conditions have precluded financing available to proceed with development.*
- b. East Gore Creek Drive Neighborhood
  - i. P-2 Parking structure/park – *Economic conditions have delayed progress.*
  - ii. Street vacation and improvements – *Neighborhood property owners continue their discussion with the Town of Vail regarding the privatization of the roadways and the effectuation of related streetscape improvements.*
  - iii. Ever Vail Resort Town Center – *Tract K snow cat access road is nearing completion. The Vail Town Council approved the roadway design and location of a new right-of-way alignment for the South Frontage Road. The approval was necessary for VRI to proceed through the CDOT approval process, which is necessary before construction can begin on the realignment. Construction of the realignment will not proceed until the Town approves zoning for the entire Ever Vail Town Center. VRI withdrew, refined and resubmitted their initial application to the Town. The refinements included adjustments to the parking, access, drop off and mass transportation facilities. The site area was expanded with VRI's acquisition of the Glen Lyon Office building site. Discussions remain underway about the disposition of the water and sewer district offices and treatment plant, which occupy a central location in the Town Center.*
- c. *Eagle-Vail Annexation: The Association raised questions regarding the timing and advisability of the Town of Vail considering the annexation of Eagle-Vail, an unincorporated subdivision located west of Dowd Junction.*

### **3. Affordable Housing**

- a. Mixed-use Affordable Housing Policies – *The Town Council continues to make preferential modifications to their affordable housing policies including allowing variances from on-site parking standards. It is doubtful that development interests gained sufficient support, through the electoral process, to roll back existing inclusionary and commercial linkage requirements. It remains an open question if projects with entitlements that are lapsing, which were approved prior to the imposition of affordable housing and other requirements, will be extended without first complying with the new regulations. The Association notes that there is declining demand for government subsidized affordable housing for construction workers because of the expected long-term reduction in demand for new development in Vail and throughout Eagle County.*
- b. Timber Ridge – *The Town of Vail, subsequent to a Request For Proposal proceeding awarded the right to develop to a private development company to build over 600 beds of affordable housing for seasonal workers on ½ of the Town owned site. The Town review and approval proceeding may yet further refine the appearance of the proposal. Proponents, aside from those advocating additional government sponsored seasonal employee housing, are seeking to reduce the Town's financial debt by half for acquisition and mold remediation of the original development.*
- c. Chamonix East – *Economic conditions removed financing opportunities for the project to be developed in compliance with the desired master plan.*

### **4. Amplified Sound**

- a. Legislative Oversight – *No actions or proceedings necessary.*

- b. Code Enforcement Oversight – *No actions or proceedings necessary.*

**5. Open Space Preservation**

a. Covenant Oversight

- i. Tract E Litigation – *A law suit remains in process through the Eagle County District Court, following a ruling by the Colorado Court of Appeal upholding a protective covenant that prevented an incursion onto recreational open space by a restaurant’s commercial dining deck approved by the Town of Vail.*
- ii. Vail Village Parking Structure – *The Association in conjunction with neighborhood property and business owners were successful in turning back a proposal to develop the south berm of the Vail Village Parking Structure. Oversight continues on a reported effort to remove covenant protection from the site. The development proposal followed an updating of the Vail Village Master Plan that was intended to allow the urbanizing development of the south berm to occur. However, other reforms were included in the master plan update that allowed for the protection of open space and other unique features that applied to the berm and associated improvement, which formed the basis of a vigorous public protest that caused the developer to withdraw their proposal.*

**6. Public Improvements**

a. Parks and Amenities:

- i. Ford Park – *The Association advocated pragmatic and low cost improvements to Ford Park parking, drop off, electric cart, pedestrian and mass transportation services that would enhance entry by access impaired patrons of cultural and entertainment venues in the Park. The Town acknowledged the value of some of the suggested improvements, but as yet has not taken substantive action citing budgetary constraints.*
- ii. Golf Course Club House – *Redevelopment and expansion of recreational amenities on the site remain under consideration*
- iii. VRD master plan and lease renewal – *The Town Council renewed a master lease with the Vail Recreation District covering Ford Park, the Vail Golf Course, and Dobson Arena. The renewal allowed the VRD to make several progressive improvements to the golf course. Importantly, the Town Council can override the lease if it decides to make parking and other such improvements to Ford Park. The Association monitored the master planning and lease renewal process. It was critical of the lack of public participation and transparency in the master planning process, which leaves the validity of the plan’s recommendations in question.*

b. Parking, Mass Transit, Streets, L&D, Streetscape, and Traffic Congestion:

- i. Vail Grand Boulevard – *The Association monitored VRI and TOV design proposals for the Ever Vail realignment, North Day Lot affordable housing development, Lionshead Parking Structure and a comprehensive roadway lighting plan.*
- ii. West Meadow Drive – *The third phase of this Association-advocated project has been completed. The final phase at the Four Seasons is scheduled to be completed in 2010.*
- iii. Ford Park Parking Structure – *The Association worked with affected property owners to insure that protections prescribing design criteria for view preservation were respected in the analysis of parking structures*

- considered for various locations in Ford Park. An analysis was conducted by the Association of the Town's proposal, finding that the justification of the structures should be tied to uses in the Park, rather than for general community need as the land was acquired by the public for a park, not a parking lot.*
- iv. Mass Transit System and Terminals – Monitoring continues by the Association of proposals to improve the configuration of mass transit service to Lionshead. The current proposal is to make improvements to the Lionshead Parking Structure, which are to be primarily funded by a Federal grant. The purpose of the improvements are to reduce congestion and increase transit service by separating the Eagle County mass transit buses, hotel shuttles, and skier drop offs from the Vail in-town shuttle. The Association is urging that any expenditure related to increasing the capacity of mass transportation facilities should also improve circulation for the access impaired and extend the effective life of the parking structure. Town expenditures should be kept to an absolute minimum and no revenues should be used from reserve funds.*
  - v. Skier Drop Offs – The Association supported the Town of Vail and VRI efforts to expand and improve the efficiencies of their passenger drop off and pick up areas in Lionshead and Ever Vail. The Association seeks to reduce traffic congestion in Vail Village and Golden Peak by expanding and dispersing drop off services to other locations.*
  - vi. L&D terminals, access and operations – The Association worked with affected neighborhood residential owners to assist in resolving disputes over conflicts stemming from the Town's truck loading and delivery policies. Special attention was given to improving the usefulness of the Vail Plaza Hotel's loading and delivery terminal because of nuisance noise problems caused to other phases of the adjacent Vail Village Inn property.*
  - vii. CCTV Internet based Traffic Management System: The Association advocated the installation of publicly accessible webcams available on the Internet so that the public could observe mixed-use short-term parking areas in Vail Village. The purpose of the system is to provide a real time information service to the public at home and on Internet capable cell phones that could be helpful to drivers by encouraging them to avoid congested areas. The Town Council is evaluating whether the system should be available to the public or if it should be used by the Vail police for high-resolution surveillance purposes, which is objectionable to many in the community.*
  - viii. Public Parking Policy: The Association participated in discussions of the Town's Parking Task Force to refine parking rates and strategies. The Association urged that congestion-parking rates be continued in effect so that close-in public parking is allocated for guests services.*
- c. Imposition of Fire Protection and Roadway Impact Fees – The Association urged that the Town recognize that economic conditions were not conducive to implement additional impact fees upon new construction. It was suggested that consideration be given to indexing the imposition of impact fees to growth indicators.*

## **7. Environment**

- a. Energy and Building Code Policies – *The Association advocated for moderation, given economic conditions, in the implementation of sustainability and building code changes.*
- b. I-70 Noise and Water Pollution
  - i. Sound barriers – *Bald Mountain Road barriers extended with removed road sand.*
  - ii. Quiet pavement – *Sound study conducted with an average 2db reduction.*
  - iii. Road Sand Clean-up – *Clean-up Program continued with improvements to roadway sweeping and catchment basis cleaning. Removal of road sand from streambed continued.*
  - iv. Bypass Options – *The Association advocated for inclusion of proposed Dowd Junction Bypass Tunnel and interchange in Eagle County's Eagle-Vail master planning program.*
- c. Forest Health – Pine Beetle Infestation
  - i. East Vail Remediation – *The Town and the USFS continues their joint program to remove dead trees from their land holdings.*
  - ii. Tree Removal Enforcement – *The Town continues its effort to cause property owners to remove dead tree;, however, there are still complaints being made about the lack of aggressive pursuit of property owners who have yet to remove dead trees.*
  - iii. Restoration – *Federal legislation has been introduced that could provide substantially more resources to provide for the remediation of the pine beetle infestation on both public and private lands. The Association is participating in a Forest Health planning program for Vail Mountain.*

## **8. Impact Fees and Public Finance**

- a. VRD/Recreation – *No action was taken on any recreation impact fee or a property tax increase to fund spending on existing or new services or facilities.*
- b. RETT Fund Allocations – *The Association has counseled prudence and is monitoring the allocation of RETT funds so that they are used for essential needs rather than long-term wants as the source to sustain this funding, real estate sales, may well remain at anemic levels for the foreseeable future.*
- c. Fire Protection – *Fire protection fees were raised by the Town Council for those areas outside of the Town boundaries served by the Vail Fire Department.*
- d. TIFF Fund Allocations – *The Association has counseled prudence and is monitoring the allocation of TIFF funds so that they are used for essential needs rather than long-term wants as new construction, the source to sustain this funding, may not return in the foreseeable future.*
- e. Property Taxes – *The Association supported a reduction in Town of Vail property tax levies, which the Town Council symbolically assented to in its abatement proceedings.*

## **B. CONSTRUCTIVE ADVOCACY**

### **1. Voter Rights**

- a. Denver Front Range – *No action was taken.*

- b. Vail – *The Association urged the Town Council candidates to take steps to increase the transparency in the conduct of activities by the Town of Vail and to increase the participation of non-resident property owners in government activities. Subsequent to the election, the Town Council has announced that they will work to increase transparency.*

**2. I-70 Improvements and Policies**

- a. Vail/Regional Visioning – *The Association encouraged Eagle County in their master planning of the Eagle-Vail subdivision to include the prospect of a new interchange that would serve a proposed bypass tunnel to divert traffic around Dowd Junction.*

**3. Forest Restoration**

- a. *The Association reported on the progress being made in the remediation of the pine beetle infestation.*

**4. Emergency Evacuation and Fire Suppression Planning**

- a. Wildfire Threat Reduction – *The Association reported on the proceedings surrounding the wildfire in West Vail, using the event to illustrate the need for the town to improve its public communication system to better coordinate emergency evacuations.*

**5. Community Amenities**

- a. Aquatic Recreation/Therapeutic Health Center – *The Ford Park master planning process was used by the Association to illustrate the feasibility of providing structured parking to serve in the development of new, and the expansion of existing, recreation and cultural public amenities in the park. Those interested in promoting health and wellness tourism in Vail, expressed more interest in the Association’s suggestion that an aquatic recreation/therapeutic center may have potential.*
- b. Cultural Facilities/Entertainment Venues – *The Association worked to broaden awareness of the importance of cultural and entertainment venues (in Vail Village, Lionshead and Ford Park) to the development of Vail’s economy and sense of community. It sought the encouragement of a standard financial reporting system so the cost/benefit of each event could be consistently evaluated as to its productivity and value to the community. There was progress made by some organizations in providing better factual financial and attendance data.*
  - i. Vail Village
  - ii. Lionshead
  - iii. Ford Park

**C. INCLUSIVE COLLABORATION** – Inclusive, as opposed to selective collaboration, means that all parties, pro, con and otherwise are invited to participate in the deliberation and mediation of a group or corporate objective. This form of problem solving is necessary when hierarchical conditions of institutional, economic and social status become impediments to progressive and constructive decision-making. The Association has successfully practiced inclusive collaboration since its inception.

**1. I-70 Planning**

- a. *The Association monitored and reported on progress of the Rocky Mountain Rail Authority to define the technology and route of rapid transit service along the I-70 mountain corridor.*

**2. East Vail Village**

- a. *The Association worked to expedite communications among the various parties seeking to make streetscape and other improvements in their neighborhood.*

### **3. Voter Rights**

- a. *The Association conveyed to Town Council candidates and others the value of providing greater enfranchisement to non-resident property owners.*

### **4. Economic Development**

- a. *Vail Economic Development Council – The monthly meetings of the advisory council are attended by the Association to gather information and insight from the group’s deliberations regarding economic conditions that affect the interests of residential property owners. Much of the information is summarized and conveyed via the Association’s monthly newsletter.*

### **5. Vail Town Council Election**

- a. *Candidates were interviewed and provided with insights into the background of the Association’s activities and agenda. Candidates were given the opportunity to respond in their own words to a series of questions regarding issues of concern to the Association and the Vail community as a whole. Their responses were published on the Association’s website and alerts were circulated to urge voters to read the candidates’ comments. The five candidates that provided the most in-depth responses to the Association’s inquiries were the top finishers in the election.*

## **D. COMMUNICATIONS**

### **1. Newsletters**

- a. *The Association produced 12 monthly newsletters, the content of which was used to promote the Association’s agenda as well as convey information and personal commentary about conditions that are affecting the interests of residential property owners.*

### **2. Issue Reports and White Papers**

- a. *Several status reports were provided to the Board of Directors and others and included within the content of the Association’s newsletter.*

### **3. Action Alerts**

- a. *Several action alerts were distributed regarding the proposed development of the south berm of the Vail Village Parking Structure. The alerts were credited by activist members of the Association as having helped shape public and Town Council sentiment toward blocking the development proposal.*

### **4. Surveys**

- a. *Internet surveys were conducted in conjunction with the Association newsletter. Participation was limited.*

### **5. Website and Issue Archive**

- a. *The main page of the Association website was reconfigured to key to an inventory of Association newsletters. The newsletter was used as a reference source to link to corroborating data and information archived on the Association website.*

### **6. Fax and Email Broadcast System**

- a. *The inventory of email addresses was modestly expanded. All members not available by email were communicated with through FAX or US mail.*

### **7. Membership Solicitation**

- a. *The level of membership was maintained with new members for the most part replacing those departing. More than 57 solicitations were circulated to prospects. Late dues payers were solicited in several follow up communications.*